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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,491	02/20/2004	Jack P. Shidemantle	650271-132	2161

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PLEVY, HOWARD & DARCY, P.C.
P.O. BOX 226
Fort Washington, PA 19034

EXAMINER

JAGAN, MIRELLYS

ART UNIT	PAPER NUMBER
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2859

MAIL DATE	DELIVERY MODE
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05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,491

Applicant(s)

SHIDEMANTLE ET AL.

Examiner

Mirellys Jagan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14, 16, 17, 19, 24 and 27-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 17, 19, 25, 27, 28 and 30-34 is/are allowed.
- 6) ☒ Claim(s) 8-10, 35-38 and 40 is/are rejected.
- 7) ☒ Claim(s) 13 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 39 is objected to because of the following informalities:

It is not clear how the first temperature and the second temperature can be equal since the first temperature is adjusted (changed) to form the second temperature (see base claim 35). For purposes of examination, the claim has not been further treated on the merits. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-10, 35-38, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,576,487 to Conover, Jr. et al [hereinafter Conover].

Referring to claims 8-10, Conover discloses an interface comprising:

a microprocessor (246) for determining a modified resistive output for the temperature sensor; and

a means for providing the modified resistive output in response to a signal from the processor;

wherein the microprocessor is programmed to execute a correlative algorithm; and the means for providing the modified resistive output is compatible with a monitor (252) such that the monitor can display a temperature that corresponds to the modified resistive output from a temperature probe (see figure 3; column 12, lines 5-39).

Referring to claims 35-38, Conover discloses an interface comprising:

a logic circuit (246) responsive to a first resistive output from a temperature sensor, said first resistive output being indicative of a first temperature being sensed by the temperature sensor, said logic circuit adjusting said first resistive output (with resistance value obtained by increasing the voltage) to form a second resistive output that is indicative of a second temperature; and

a means for providing said second resistive output, wherein the means for providing the second resistive output is compatible with a monitor such that the monitor can display said second temperature;

wherein the logic circuit is a microprocessor and is programmed to execute a predictive algorithm, said predictive algorithm adjusting said first resistive output to form said second resistive output; and wherein the logic circuit is programmed to execute a correlative algorithm, said correlative algorithm adjusting said first resistive output to form said second resistive output.

Referring to claim 40, Conover discloses an interface comprising:

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a first circuit (ADC) responsive to said temperature sensor for obtaining a digital signal indicative of a sensed temperature;

a second circuit (246) receiving said digital signal from said first circuit and forming a resistive output based on said digital signal, wherein said resistive output is indicative of a temperature determined by said second circuit; and

a means for providing said resistive output, wherein the means for providing said resistive output is compatible with the monitor such that the monitor can display said temperature.

Allowable Subject Matter

4. Claims 16, 17, 19, 25, 27, 28, and 30-34 are allowed.
5. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The Examiner's statements of reasons for allowance are presented in the Office actions dated 5/20/05 and 9/28/06.

Response to Arguments

7. Applicant's arguments filed 9/28/06 have been fully considered but they are not persuasive. Applicant's arguments that Conover fails to teach determining a modified resistive

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output or providing the modified resistive output to a monitor, as claimed in claim 8 are not persuasive since Conover discloses obtaining a modified resistive output in column 12, lines 6-30 (modifies the resistive value with a resistance value obtained by increasing the voltage, thus obtaining a modified resistance value which is provided to a monitor as a temperature reading).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 571-272-2247. The examiner can normally be reached on Monday-Friday from 11AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ

April 30, 2007



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800